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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

TERRANCE YEOMANS and CINDY  
YEOMANS,

Plaintiffs,

v.

WORLD SAVINGS BANK; WELLS  
FARGO BANK, N.A.,

Defendants.

CASE NO.: 2:12-cv-08828-R-MAN

**ORDER GRANTING MOTION TO  
DISMISS BY DEFENDANTS  
WELLS FARGO BANK, N.A.,  
WITH PREJUDICE**

[Assigned to the Honorable Manuel L.  
Real, District Judge]

Date: December 17, 2012

Time: 10:00 a.m.

Ctrm: 8

The Motion to Dismiss Complaint by defendant WELLS FARGO BANK,

N.A., successor by merger with Wells Fargo Bank Southwest, N.A., f/k/a

Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB (erroneously named

separately as “World Savings Bank FSB” and “Wells Fargo Bank, N.A.”) (“Wells

1 Fargo") came on regularly for hearing on December 17, 2012, the Honorable  
2 Manuel L. Real, District Judge, presiding.

3 The Court, having read and considered the motion, the request for judicial  
4 notice, all opposition and reply papers, and finding:

5 1. Plaintiffs' first claim, *Quiet Title*, fails to state a claim for relief  
6 because: (i) Plaintiffs lack standing to bring this claim; (ii) Wells Fargo was  
7 authorized to foreclose on the subject property; and (iii) Plaintiffs did not tender  
8 the full indebtedness.

9 2. Plaintiffs' second claim, *Declaratory Relief*, fails to state a claim for  
10 relief because: (i) Plaintiffs lack standing to bring this claim; (ii) Wells Fargo was  
11 authorized to foreclose on the subject property; and (iii) Plaintiffs did not tender  
12 the full indebtedness.

13 3. Plaintiffs' third claim, *Wrongful Foreclosure*, fails to state a claim for  
14 relief because: (i) Plaintiffs lack standing to bring this claim; (ii) Wells Fargo was  
15 authorized to foreclose on the subject property; and (iii) Plaintiffs did not tender  
16 the full indebtedness.

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**IT IS HEREBY ORDERED:**

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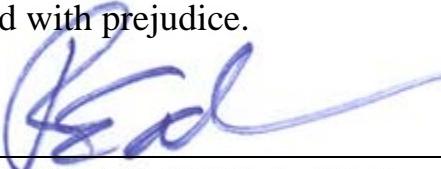
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1 Defendant Wells Fargo's Request for Judicial Notice is granted.

2 Defendant Wells Fargo's Motion to Dismiss Complaint is granted in  
3 all respects without leave to amend; and

4 3. The Complaint is dismissed with prejudice.

Dated: Jan. 25, 2012

  
HON. MANUEL L. REAL  
UNITED STATES DISTRICT JUDGE

## CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of Pasadena, California; my business address is 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101-2459.

On the date below, I served a copy of the foregoing document entitled:

**[PROPOSED] ORDER GRANTING MOTION TO DISMISS COMPLAINT  
BY DEFENDANT WELLS FARGO BANK, N.A., WITH PREJUDICE**

on all interested parties in said case as follows:

## **Served Electronically Via the Court's CM/ECF System**

*Counsel for Plaintiffs,  
Terrence Yeomans and Cindy Yeomans.*

Timothy P. Peabody, Esq.  
The Peabody Law Firm  
620 Newport Center Drive, Suite 1100  
Newport Beach, California 92660-3018

Tel: (949) 200-4610  
peabodylaw@aol.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in Pasadena, California, on **January 3, 2013**.

Rachelle Guillory

(Print Name)

*/s/ Rachelle Guillory*

*(Signature of Declarant)*